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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 FALASHA ALI,

11 Plaintiff,

12 v.

13 CITY OF NORTH LAS VEGAS, *et al.*,

14 Defendants.
15

Case No. 2:10-CV-01690-KJD-PAL

ORDER

16 Presently before the Court is Plaintiff's Motion for Reconsideration (#51). Defendants filed a
17 response in opposition (#52).

18 **I. Procedural History**

19 On December 20, 2013, the Ninth Circuit Court of Appeals summarily affirmed the Court's
20 order dismissing the claims against all parties other than Defendant City of North Las Vegas. See
21 Order, Docket No. 36. The Ninth Circuit reversed the Court's judgment against the City of North
22 Las Vegas and ordered that those claims be dismissed without prejudice for lack of proper service.
23 Id. Mandate (#37) issued on January 14, 2014, and the Court issued its Order on Mandate (#40),
24 complying with the order of the Ninth Circuit Court of Appeals and dismissing the claims against the
25 City of North Las Vegas without prejudice.
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1 Plaintiff then filed an Amended Complaint (#41) in this closed action on May 9, 2014. He
2 also moved the Court to have the Amended Complaint served by the United States Marshals. The
3 Court denied (#46) the motion because the case was closed. Plaintiff then filed a motion to
4 reconsider (#47). The Court denied (#50) that motion on March 31, 2015 citing the rule that a trial
5 court may not reconsider a question decided by an appellate court. Plaintiff then filed the present
6 motion.

7 II. Analysis

8 Plaintiff now asserts that he asking the Court to reconsider its Order (#23) which was the
9 subject of Plaintiff's appeal (#25). Plaintiff prevailed in his appeal to the extent that the order
10 dismissing the claims against the City of North Las Vegas was reversed. However, the Court of
11 Appeals ordered this court to dismiss those claims without prejudice¹ for failure to serve them in
12 accordance with Federal Rule of Civil Procedure 4(m). As explained in the Court's prior order, the
13 law of the case prevents the Court from reconsidering the Ninth Circuit's Order (#36). Plaintiff has
14 the right to appeal the Court's post-mandate orders or to file a new civil action. However, the Court
15 cannot grant Plaintiff the relief he seeks in the present motion.

16 III. Conclusion

17 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Reconsideration (#51) is
18 **DENIED.**

19 DATED this 10th day of July 2015.

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22 _____
23 Kent J. Dawson
24 United States District Judge

25 _____
26 ¹"Without prejudice" means that the claims have not been dismissed on the merits. Plaintiff
may refile the claims in a completely new action.